

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 9373/1H812-US3

**DECLARATION AND POWER OF ATTORNEY**  
(Continuation-In-Part Application)

As a below named inventor, I declare that:

1. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

**GENE RECOMBINATION AND HYBRID PROTEIN DEVELOPMENT**

which is described and claimed in:

the attached specification or  
 the specification in application  
Serial No. TO BE ASSIGNED,  
Filed: HEREWITH  
(for declaration not accompanying application);

2. This application in part discloses and claims new subject matter as well as subject matter disclosed in my earlier-filed application(s)

Serial No. 09/863,765  
Filed: May 23, 2001  
For: GENE RECOMBINATION AND HYBRID PRO-  
TEIN DEVELOPMENT

3. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.

4. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.

5. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or

patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

#004668-42604

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

| <u>COUNTRY</u> | <u>APPLICATION NO.</u> | <u>DATE OF FILING</u> |
|----------------|------------------------|-----------------------|
| U.S.           | 60/207,048             | May 23, 2000          |
| U.S.           | 60/235,960             | September 27, 2000    |
| U.S.           | 60/283,567             | April 13, 2001        |
| U.S.           | 09/863,765             | May 23, 2001          |

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

| <u>COUNTRY</u> | <u>APPLICATION NO.</u> | <u>DATE OF FILING</u> |
|----------------|------------------------|-----------------------|
|----------------|------------------------|-----------------------|

6. As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was

ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

| <u>COUNTRY</u> | <u>APPLICATION NO.</u> | <u>DATE OF FILING</u> |
|----------------|------------------------|-----------------------|
|----------------|------------------------|-----------------------|

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

| <u>COUNTRY</u> | <u>APPLICATION NO.</u> | <u>DATE OF FILING</u> |
|----------------|------------------------|-----------------------|
|----------------|------------------------|-----------------------|

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195

Docket No. 9373/1H812-US3

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

DIRECT TELEPHONE CALLS TO:

212-527-7700

FULL NAME AND RESIDENCE OF INVENTOR 1

LAST NAME: WANG FIRST NAME: Zhen-Gang MIDDLE NAME:

CITY: Pasadena STATE OR FOREIGN COUNTRY: California COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 3605 Shadow Grove Road CITY: Pasadena STATE OR COUNTRY: CA ZIP CODE: 91107

FULL NAME AND RESIDENCE OF INVENTOR 2

LAST NAME: VOIGT FIRST NAME: Christopher MIDDLE NAME: A.

CITY: Pasadena STATE OR FOREIGN COUNTRY: California COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 151 S. Meridith Ave. CITY: Pasadena STATE OR COUNTRY: CA ZIP CODE: 91106

FULL NAME AND RESIDENCE OF INVENTOR 3

LAST NAME: MAYO FIRST NAME: Stephen MIDDLE NAME: L.

CITY: Pasadena STATE OR FOREIGN COUNTRY: California COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 530 S.Greenwood Avenue CITY: Pasadena STATE OR COUNTRY: CA ZIP CODE: 91107

FULL NAME AND RESIDENCE OF INVENTOR 4

LAST NAME: ARNOLD FIRST NAME: Frances MIDDLE NAME: H.

CITY: Pasadena STATE OR FOREIGN COUNTRY: California COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 629 S. Grand Avenue CITY: Pasadena STATE OR COUNTRY: CA ZIP CODE: 91105

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1: \_\_\_\_\_ DATED: \_\_\_\_\_  
Zhen-Gang WANG

SIGNATURE OF INVENTOR 2: \_\_\_\_\_ DATED: \_\_\_\_\_  
Christopher A. VOIGT

SIGNATURE OF INVENTOR 3: \_\_\_\_\_ DATED: \_\_\_\_\_  
Stephen L. MAYO

SIGNATURE OF INVENTOR 4: \_\_\_\_\_ DATED: \_\_\_\_\_  
Frances H. ARNOLD